

1 Petitioner objects. *See* (ECF No. 21 at 6–8). The Court has considered Petitioner’s
2 argument and finds that it does not represent a Sixth Amendment violation. Based on the
3 Court’s review of the record, the Court finds that the state courts reasonably rejected
4 Petitioner’s argument for the reasons stated on direct appeal by the California Courts of
5 Appeal.¹ *See* (ECF No. 13-13 at 12–15 (finding that the trial court did not abuse its
6 discretion to deny Petitioner’s request to discharge her counsel and appoint counsel
7 because it would cause an “unreasonable disruption” to the processes of the sentencing
8 hearing) (citing *People v. Lopez*, 22 Cal. App. 5th 40, 50 (2018); *People v. Maciel*, 57 Cal.
9 4th 482, 513 (2013), *as modified on denial of reh’g* (Oct. 2, 2013))). Therefore, Petitioner’s
10 objections related to the appointment of new counsel under Grounds One and Two are
11 overruled.

12 Petitioner also objects to the Report’s findings regarding her counsel’s handling of
13 evidence of Petitioner’s intoxication. *See* (ECF No. 21 at 8–21). However, the Report also
14 found that each of the alleged errors by counsel with respect to toxicology evidence could
15 not have resulted in prejudice because of the weight of the other evidence of Petitioner’s
16 guilt. *See, e.g.*, (ECF No. 20 at 27; *id.* at 49 (“[T]he intoxication evidence was *not* a ‘focal
17 point’ of the case” (emphasis in original))). Additionally, though the Report does apparently
18 misidentify the scientific testing conducting in this case (using “gas chromatography/mass
19 spectrometry” rather than “headspace gas chromatography”), because Petitioner cannot
20 establish prejudice for any alleged errors regarding toxicology evidence, Petitioner’s
21 objection is overruled.

22 For all the foregoing reasons, the Court accepts the findings and recommendation of
23 the Magistrate judge and adopts the Report and Recommendation.
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27 ¹ The Court acknowledges that this opinion is not entitled to deference under 28 U.S.C.
28 § 2254 for the reasons stated in the Report. *See* (ECF No. 20 at 12–13). The Court,
however, finds the analysis and precedent persuasive.

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2 **IT IS THEREFORE ORDERED** that Judgment be entered (1) denying the Petition; and
3 (2) dismissing this action with prejudice.
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5 DATED: December 7, 2023


6 HON. SHERILYN PEACE GARNETT
7 UNITED STATES DISTRICT JUDGE
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